

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**KAO LEE YANG, INDIVIDUALLY, AND
OBO, S.V. & T. V., MINORS;**
Plaintiffs,

VS.

TEICHMAN GROUP, LLC., *et al.*,
Defendants.

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Civil Action No. 4:18-CV-161

**PLAINTIFF MARCUS WILSON’S OPPOSED
MOTION FOR STAY OF TRIAL PENDING INTERLOCUTORY APPEAL**

Plaintiff Marcus Wilson requests that the Court stay the October 23, 2018 trial date pending the Fifth Circuit’s disposition of Wilson’s interlocutory appeal of the Court’s anti-suit injunction prohibiting him from proceeding in his state-court case against T&T Offshore, Inc.¹

I. Background

In this case, Wilson has sued Defendants T&T Marine, Inc. (“T&T Marine”) and the Teichman Group, LLC (the “Teichman Group”). Wilson has not sued T&T Offshore, Inc. (“T&T Offshore”) in this lawsuit.

In the state-court case, Wilson has sued T&T Offshore.² Wilson has not sued either T&T Marine or the Teichman Group in the state-court case.

As this case is currently situated, Wilson’s claims against T&T Marine and the Teichman Group are set for trial in this Court on October 23, 2018.³ Wilson’s claims against T&T Offshore are not pending in this Court, so they will not be tried on October 23, 2018.

¹ Doc. 71 (August 9, 2018) (Order Setting Trial); Doc. 76 (August 10, 2018) (Order Granting Preliminary Injunction); Doc. 79 (August 15, 2018) (Wilson’s Notice of Appeal); *Wilson v. T&T Offshore, Inc.*, No. 2018-04606 (190th Dist. Ct. of Harris Cty, Tex.); *see* FED. R. APP. P. 8(a)(1).

² Wilson also sued WL Crane Repair, Inc. in the state-court case. Wilson has not sued WL Crane Repair, Inc. in this case.

Wilson no longer wishes to pursue his claims against T&T Marine and the Teichman Group. Wilson has filed a motion to voluntarily dismiss T&T Marine and the Teichman Group, which this Court has not yet ruled on.⁴ T&T Marine admits that it is not a proper party to this lawsuit and that the proper defendant is T&T Offshore.⁵

II. This Court should stay the trial until the Fifth Circuit decides Wilson's interlocutory appeal

The Supreme Court has held that federal district courts have the inherent power to stay proceedings based on the “economy of time and effort for itself, for counsel, and for litigants.”⁶ In deciding whether to grant a stay, federal district courts consider (1) the potential prejudice to the nonmoving party from a brief stay; (2) the hardship and inequity to the moving party if the action is not stayed; and (3) the judicial resources that would be saved by avoiding duplicative litigation.⁷ Those factors weigh in favor of staying the trial until after the interlocutory appeal is decided.

It is unlikely that the Fifth Circuit will have decided Wilson's appeal before the October 23, 2018 trial date. If the Fifth Circuit were to affirm this Court's anti-suit injunction, Wilson would add his claims against T&T Offshore to this lawsuit. But Wilson will not do that unless—and until—the Fifth Circuit were to affirm. If the Fifth Circuit reverses this Court's anti-suit injunction, Wilson will continue to prosecute his claims against T&T Offshore in state court.

³ Doc. 71 (August 9, 2018) (Order Setting Trial).

⁴ Doc. 68 (August 8, 2018) (Wilson's Motion to Voluntarily Dismiss Defendants T&T Marine and the Teichman Group); Doc. 85 (August 29, 2018) (T&T Marine (incorrectly identified as T&T Offshore) and the Teichman Group's Response to Wilson's Motion to Voluntarily Dismiss).

⁵ Doc. 36-5 (April 18, 2018) (Exhibit to Wilson's Response to Defendants' Motion to Enjoin State Court Proceedings).

⁶ *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *United States v. Rainey*, 757 F.3d 234, 241 (5th Cir. 2014) (same).

⁷ *Nguyen v. BP Exploration & Prod., Inc.*, No. H-10-2484, 2010 WL 3169316, at *1 (S.D. Tex. Aug. 9, 2010).

T&T Marine and the Teichman Group will not be prejudiced by staying the trial until the interlocutory appeal is decided. Depending on how the appeal is decided, it is possible that they will be dismissed and no trial against them will be necessary. So the stay would benefit, rather than prejudice T&T Marine and the Teichman Group.

It would be a waste of this Court's and the parties' resources to require Wilson to try his claims against T&T Marine and the Teichman Group—defendants he no longer wishes to pursue claims against—while T&T Offshore's status is still undecided. The better approach is to stay the trial until the Fifth Circuit has ruled on Wilson's interlocutory appeal.

The factors, therefore, weigh in favor of staying the trial until after the interlocutory appeal is decided.

III. Conclusion

Wilson requests that this Court stay the October 23, 2018 trial setting until after the Fifth Circuit has decided the interlocutory appeal.

Respectfully submitted,

/s/ Anthony G. Buzbee
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**ATTORNEYS FOR PLAINTIFF
MARCUS WILSON**

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing instrument was served electronically on all attorneys of record on September 10, 2018, through the Court's ECF system.

/s/ Christopher J. Leavitt
Christopher J. Leavitt

CERTIFICATE OF CONFERENCE

I hereby certify that on September 7, 2018, I conferred with counsel for Defendants T&T Marine, Inc. and the Teichman Group, LLC. They oppose the Court granting the relief requested in this motion. Cheramie is not opposed to the relief, although it is not a party to this case.

/s/ Christopher J. Leavitt
Christopher J. Leavitt